

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ERICSSON INC., et al.,

Plaintiffs,

vs.

D-LINK CORPORATION, et al.,

Defendants.

Civil Action No. 6:10-cv-473

JURY TRIAL DEMANDED

**ERICSSON’S EMERGENCY MOTION FOR EXPEDITED BRIEFING
REGARDING ERICSSON’S EMERGENCY MOTION FOR
RELIEF FROM THE PROTECTIVE ORDER (DKT. 662)**

On December 6, 2013, Ericsson filed a motion requesting permission to share Dell and Toshiba documents with Ericsson’s *inter partes* review (“IPR”) counsel and the Patent Trials and Appeals Board (“PTAB”). See Ericsson’s Emergency Motion for Relief from the Protective Order (Dkt. 662). Ericsson contends that these documents are highly relevant for determining whether Broadcom should be estopped under 35 U.S.C. § 315(b) from challenging the patents-in-suit in an IPR.

After Ericsson filed its motion, the PTAB allowed Ericsson to brief the issue of whether it should be entitled to take discovery from Broadcom in the IPR. The briefing on that issue is set to be completed on December 20, 2013, with a decision to follow some time thereafter. Accordingly, Ericsson respectfully requests expedited briefing for its Emergency Motion for Relief from the Protective Order (Dkt. 662) so that the PTAB may have an opportunity to review the documents at issue before it reaches a decision.

Ericsson has attempted to negotiate an agreed expedited briefing schedule with Dell and Toshiba for its Emergency Motion, and has offered a variety of proposals, but the parties have been unable to agree. Ericsson offered to forgo a reply brief if Defendants would serve their response by December 19, 2013, and also provide Ericsson with a redacted, non-confidential version of their response by December 19, 2013. Ericsson requested this redacted version of Defendants' response so that it may update the PTAB as to Defendants' basis for opposing the motion. Defendants have agreed to file their response by December 19, 2013, but they have refused to provide a redacted version of their response on that date.

Ericsson requests that the Court expedite the deadline for Defendants' response to Ericsson's Emergency Motion (Dkt. 662) to December 19, 2013, which Defendants have already agreed to. Ericsson will forgo a reply brief to its Emergency Motion (Dkt. 662). Ericsson also requests that Defendants be required to file redacted, non-confidential versions of any response briefs on December 19, 2013 so that Ericsson's IPR counsel may update the PTAB on the status of Ericsson's Emergency Motion (Dkt. 662) and Defendants' stated basis for opposing the motion.

Finally, Ericsson requests that Defendants file any response to the present emergency motion for expedited briefing by December 17, 2013. Ericsson will forgo a reply brief to its present emergency motion for expedited briefing.

DATED: December 13, 2013

Respectfully submitted,
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**ATTORNEYS FOR PLAINTIFFS
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record were been served via the Court's CM/ECF system on December 13, 2013.

/s/ Justin Nemunaitis
Justin Nemunaitis

CERTIFICATE OF CONFERENCE

I certify that on December 4, 2013 Counsel for Ericsson Ted Stevenson and Justin Nemunaitis met and conferred with counsel for Toshiba John Feldhaus and Guy Harrison and that Toshiba did not agree to any expedited briefing for Ericsson's motion. On December 5, 2013, counsel for Ericsson Justin Nemunaitis met and conferred with counsel for Dell Dwayne Norton regarding Ericsson's motion for relief from the protective order and expedited briefing. Counsel for Dell explained that Dell would oppose Ericsson's motion for relief from the protective order, but that it did not have a firm position on expedited briefing. The parties agreed to discuss expediting briefing after Dell had reviewed Ericsson's motion. After filing the motion, Ericsson proposed various expedited schedules to Dell and Toshiba, but the parties could not reach an agreement.

/s/ Justin Nemunaitis
Justin Nemunaitis